

ARKANSAS STATE BOARD OF PHARMACY
101 East Capitol, Suite 218
Little Rock, AR 72201

The Arkansas State Board of Pharmacy met for a special meeting on August 10-11, 2004. The meeting was held at Degray Lake Resort State Park Lodge, 2027 State Park Entrance Road, Heron Room, Bismarck, Arkansas.

Tuesday, August 10, 2004

The meeting was called to order by Larry McGinnis, Pharm.D., President. Members present were Larry Autry, P.D.; Buddy Bowden, P.D.; Sharon Capps, R.N.; Bob Dufour, P.D.; Ross Holiman, B.S., H.Ed.; Lenora Newsome, P.D.; and Ronnie Norris, P.D. Staff members present were Charles Campbell, Pharm.D., Executive Director; Margaret Lincourt, Chief Fiscal Officer; Lana Whitmore, Administrative Assistant; Ron Ewing, P.D.; and Jim Myatt, P.D.

BOARD ACTION:

Dr. Newsome made the motion that the minutes of the June 2004 Board Meeting be approved as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Mr. Holiman made the motion that the agency financial report be approved as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Stephanie Gardner and Paul Gubbins appeared before the Board to address some academic and student issues at the University of Arkansas for Medical Sciences College of Pharmacy. Dr. Gardner told the Board that there are new and exciting things, as well as some serious matters, happening at the College of Pharmacy. She said they have enrolled 90 new freshman students this year, which is the biggest class ever at the College of Pharmacy. They are also looking at improving the entire curriculum – specifically in regard to clerkships, in order to stay in compliance with ACPE accreditation. She also informed the Board that there are several vacant faculty positions.

Dr. Gardner said she wanted to discuss two specific issues: curriculum and students. She said there has been an increasing number of pharmacy students who have problems with addictive substances – whether it be alcohol, methamphetamines, or prescriptive substances. Dr. Gardner told the Board that they have been dealing with the issue on an individual basis, but they want to be able to take care of it in a global manner. One student, in particular, is suspected of having a terrible problem. Dr. Gardner said she called Dr. Campbell for advice and he asked her if the student was licensed by the Board as a pharmacy technician because there is a section in the regulations that requires a licensed pharmacist to report a technician if he/she is suspected of having a drug problem. Dr. Gardner said she would like to have the same language in the regulations pertaining to pharmacy interns. Dr. Campbell told the Board that he has had several interns come to him regarding their addictive problems.

Dr. Gardner also requested the Board consider changing the current regulations to require an intern to be licensed after they complete the first semester of pharmacy school, rather than the first year. She said one reason for the request is so they would have better control over an intern, in a more timely manner, should an intern have a substance abuse problem. Ms. Lincourt informed the Board that the Board staff would like to change the regulation which requires an intern to renew his/her intern license each year. She said that the fee could be increased to \$45 one time only, rather than a \$15 initial fee and \$15 renewal fee each year.

BOARD ACTION:

Dr. Autry made the motion that a pharmacy intern will pay a one-time license fee and will no longer be required to renew each year if it is confirmed that they are currently enrolled in an accredited college of pharmacy each semester. The staff should send the amended regulation to the Board members for review and to publish it thirty days before the next Board meeting. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Gardner told the Board that the second reason she is requesting pharmacy intern licenses be issued after the first semester of pharmacy school pertains to clerkships. She said ACPE wants colleges of pharmacy to conduct early experiential clerkships as well as advanced clerkships. She said students should understand the dispensing role prior to senior rotations. Dr. Gardner said currently a student can go through the program without a community pharmacy experiential rotation. She said the proposed changes would ensure each student would have practiced in a community store. She said the proposed rotation structure would require every student to spend one month in a community or hospital pharmacy during their second semester.

BOARD ACTION:

Dr. Autry made the motion that a pharmacy intern shall start the process for registering for intern license immediately upon enrollment in an accredited college of pharmacy and the intern license is to be issued upon successful completion of the first semester of pharmacy school. The staff should send the amended regulation to the Board members for review and to publish it thirty days before the next Board meeting. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Gardner also said she would like the Board to consider crediting the experiential programs to provide all the required hours for licensure as a pharmacist.

BOARD ACTION:

Dr. Autry made the motion that the Board President appoint a committee, with Ronnie Norris as chairman, to review the national requirements of other pharmacy boards and colleges of pharmacy to consider allowing a pharmacy intern to obtain all hours required for licensure as a pharmacist through the College of Pharmacy curriculum. The committee should include Margaret Lincourt, a community pharmacist, a hospital pharmacist, and UAMS College of Pharmacy faculty. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Norris made the motion to add the same language from the technician regulation to the intern regulation regarding reporting substance abuse. The staff should send the amended regulation to the Board members for review and to publish it thirty days before the next Board meeting. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Senator Percy Malone appeared before the Board to discuss legislative issues and statutory changes. Dr. Campbell said there are at least five items that need to be discussed, 1) List I Chemical Licensing, 2) Return Drugs, 3) PBM Legislation, 4) Nursing Home Issue, 5) Evidence-Based Medicine. Senator Malone said the methamphetamine problem in Arkansas is now being recognized by most everybody, including the Attorney General, prosecutors, and youth committees. He said it will be on the forefront during the session. He said he attended a conference in Salt Lake City and the methamphetamine problem and the Oklahoma legislation were discussed at length. He said there was a program where some of the manufacturers would go to retail merchants and educate them on profiles of persons not to sell to. He said there will need to be discussion about requiring a pharmacist to sell the product like a Schedule V if it's put behind the counter or if a technician may sell it like the Oklahoma bill allows. He said there will also be questions about whether or not all products should be behind the counter and if pharmacies have enough space to put all the pseudo products back there. He said the Attorney General is considering putting this bill in his legislative package. The Board told Senator Malone that they would support the bill in every way possible.

Next Senator Malone discussed the issue from Representative Mahoney on re-using drugs for charitable clinics. He said his position was if the drugs are good enough for poor people then they are good enough for everyone. He said it would be a good idea to have a group to try to find a resolution to this problem and if there is not a solution, to document it. He said the best solution would result in a safe and effective way to reuse medication for the people of Arkansas. He said the drugs are either safe or unsafe for everyone, and the Board agreed with this position.

The PBM Bill was discussed next by Senator Malone. He said that a number of people that opposed the Bill last time say they will be neutral or support it this time. Senator Malone said some people say the Board of Pharmacy has no business regulating PBM's as far as economic situations are concerned. He also said one option is to have two Bills so there will be one that the Board can enforce. The Board said they would support the PBM Bill.

Dr. Campbell said that Arkansas is the only state in the nation that requires an individual with specific credentials to service a nursing home. Ms. Lincourt discussed the way the Board of Pharmacy currently licenses nursing home consultants and consultants at large. The current process is causing problems with the software conversion, so we need to decide who receives the renewal and the permit. Margaret Lincourt and Larry McGinnis plan to come up with a solution to the problem.

Stephanie Gardner and Paul Gubbins discussed evidence-based medicine along with Senator Malone. Dr. Gardner said that UAMS has a contract proposed with DHS to handle an evidence-based driven formulary for the state. She said they would staff an evidence-based medicine committee which would include three physicians and three pharmacists. The committee would review reports from Oregon Health Science Center. They have a system that reviews drugs strictly from evidence – there is no incentive from any drug company to use their product. Thirteen drug classes have already been reviewed, and they plan to review twenty. The six-member committee reviews the reports and summaries, and decides which are the best drugs. They also determine not only the best drugs, but also the most affordable. The college will staff a pre-approved center that will receive calls and communicate with pharmacies and physicians. Dr. Gardner said the contract goes before the Public Health Committee soon.

BOARD ACTION:

Dr. Bowden made the motion that the Arkansas State Board of Pharmacy approves the National Institute for Standards in Pharmacist Credentialing (NISPC) as the disease state management credentialing organization until the October 2005 meeting of the State Board of Pharmacy. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Ms. Lincourt presented the Board with a professional meetings schedule for 2004-2005. She asked the Board members to rank the meetings in the order they wanted to attend, and to return their schedule to her as soon as possible.

Ms. Lincourt also explained to the Board that the current statutes do not require wholesale distributors of legend devices to be licensed by the Arkansas State Board of Pharmacy. She said a simple addition to the wholesale distributor statute would take care of the matter.

BOARD ACTION:

Dr. Autry made the motion to add legend devices to the wholesale distributor statute. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell discussed the procedures for criminal background checks in the office. He said the intent of the regulation was to screen for people who have had felony convictions with regard to controlled substances, but the regulation includes many other convictions. He explained that if the background check comes back positive for any conviction listed in the regulation that there is a procedure for the applicant to request a waiver. Dr. Campbell also explained that the Executive Director and staff have the ability to waive the offense and allow the technician to go to work. He said if the application is denied, the applicant has the ability to appear before the Board. Dr. Campbell asked the Board for their opinion on what type of convictions he should deny. The Board directed Dr. Campbell and staff to look at each conviction separately to decide whether or not to grant a license. They also said that any conviction which pertains to a controlled substance violation must appear before the Board in an informal hearing if a waiver is requested.

Dr. Campbell said that a criminal background check, conducted on an applicant that just completed his first year of pharmacy school, revealed two DWI convictions within a six-month time period. He told the Board that he referred him to the Pharmacy Support Group and he has since signed a contract with them. Dr. Campbell told them that the student would need his intern license to enroll in his second year of pharmacy school and asked for direction from the Board. The Board instructed the staff to issue the student's intern license.

Ronnie Norris discussed the Compounding Committee meeting with the Board. He reminded the Board that the committee was formed to address specific language regarding restrictions on compounding commercially available products. He said there have been discussions with DEA concerning the dispensing of controlled substances pursuant to a valid prescription to a physician's office rather than the patient. Dr. Norris told the Board that DEA was asked if a pharmacist could fill a patient specific prescription and give it to the doctor to administer, and DEA said a controlled substance had to go to the ultimate user not a doctor's office. The committee recommended that any patient specific prescription for a controlled substance must be delivered to the patient or an immediate family member in accordance with DEA.

BOARD ACTION:

Dr. Norris made the motion that the Board recognize any patient specific prescription for a controlled substance must be delivered to the patient or an immediate family member. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Norris amended his motion to require that dispensed controlled substances be delivered to the ultimate user as defined (21 USC 802 (27)). Dr. Autry seconded to motion. The vote for the motion was unanimous.

Dr. Norris said the second issue the committee was asked to address was regarding Arkansas veterinarians and their concerns with not being able to receive compounded products for office stock for animals. He said the committee met with Jim Achorn, with the Arkansas Vet Association concerning FDA guidelines on vet compounding. Dr. Achorn recommended that the wording of the regulation be changed to suggest that any life threatening situation be determined by the attending vet. Dr. Norris said the committee recommended to post this clarification in the next Board of Pharmacy newsletter.

BOARD ACTION:

Dr. Norris made the motion to put the clarification in the next Board of Pharmacy newsletter that a life threatening situation is determined by communication with the attending vet. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Norris said the last issue of the compounding committee was Dana Woods' concern with the wording of the regulation regarding potency testing. He said the committee understood Dr. Woods' concerns, but could not recommend amending the potency testing requirement. Dr. Norris informed the Board that IACP is currently working on a credentialing process.

Larry McGinnis, discussed the Off-Site Order Entry committee meeting with the Board. He said the committee met with Mike Riddle, with Cardinal Health. Dr. McGinnis said the committee would like to request permission from the Board to draft regulations for off-site order entry for hospitals. He said he expects the regulation to be pretty straightforward.

BOARD ACTION:

Dr. Autry made the motion to allow the Off-Site Order Entry committee to draft a proposed regulation to be presented to the Board in October. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Campbell discussed the up-coming District Meeting schedule with the Board. He said that with the Board staff being short two people, it would be difficult for him to travel to all of the meetings and still be able to run the Board office effectively. He asked the Board members if they would be willing to speak on behalf of the Board at the meetings in their areas. The Board members agreed to the following schedule:

- Campbell – Russellville/Hot Springs/North Little Rock
- Bowden – Harrison/Forrest City
- Dufour – Fayetteville/Fort Smith
- McGinnis – Jonesboro/Batesville

- Newsome - Camden
- Norris – Pine Bluff/Monticello

Dr. Campbell discussed the A-B Rating System with the Board, specifically with regard to Levothyroxine Sodium. He reminded the Board that they did away with the Non-Equivalent Drug Product list and adopted the Orange Book. He said Levothyroxine will be AB rated – which would mean it would be substitutable in Arkansas. He told them the Board has received numerous calls and Ron Ewing had to do some research to find out if the product was truly AB rated. Dr. Campbell said as it stands, Levothyroxine is substitutable by our law, but only to specific reference listed drugs. He said he talked to APA about sending a blast fax to let the pharmacists know. The Board said this situation needs to be communicated to pharmacists.

Brad Davis, with **Berry Packing, Inc.**, appeared before the Board to request an Arkansas List I Chemical permit. Mr. Davis told the Board that he owns a meat-packing company in Crossett, Arkansas. He said in October 2003 he bought the inventory of Smith Wholesale, who had been licensed by the Board of Pharmacy. He said the inventory he bought consisted of candy, health and beauty products, cups, etc. Dr. Davis said he was told by the previous owner that he needed a List I Chemical permit to sell products that contain pseudo. He told the Board that the only pseudo products he intends to sell are the two-pack cold medicine products. Dr. Davis said that he does have a climate controlled storage facility, but it is not secured. He said he realized he would have to add security if he was granted the license. The Board discussed issues that he would face if he were granted a license to sell List I Chemicals.

BOARD ACTION:

Dr. Autry made the motion to proceed with Dr. Davis' request for a List I Chemical permit. The Board inspectors will need to inspect his facility before the license will be issued. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

The Board discussed the vacant Assistant Director position. Dr. Campbell said he contacted the applicants who were ranked three, four, and five the last time the Assistant Director position was vacant, along with two other applicants. The Board directed that the position be advertised, possibly by APA Blast Fax, through NCPA and NACS, as well as other advertising venues with interviews scheduled for October and a target start date of January 2005.

Dr. Campbell discussed Canadian Re-importation with the Board. He said the Board office continues to receive complaints regarding people operating to solicit business for Canada. Dr. Campbell said the position he has taken is to continue to be responsive, but he said he believes this method will soon be legal in some form or fashion. The Board said letters should continue to be sent.

Bob Dufour discussed the NABP Wholesale Distributor Model Act. He said the Act is designed to update and address issues regarding counterfeit drugs. He said the main issue is that if a drug is going to be manufactured, there needs to be a method in place to be able to track it. Dr. Dufour said his main concern is that currently wholesalers do not have the technology to do the tracking, but most should by 2007. Dr. Dufour said he believes the Model Act is good, but that it is a couple of years early to consider modifications in our wholesale distributor regulation.

Wednesday, August 11, 2004

The meeting was called to order by Larry McGinnis, Pharm.D., President. Members present were Larry Autry, P.D.; Buddy Bowden, P.D.; Sharon Capps, R.N.; Bob Dufour, P.D.; Ross Holiman, B.S., H.Ed.; Lenora Newsome, P.D.; and Ronnie Norris, P.D. Staff members present were Charles Campbell, Pharm.D., Executive Director; Margaret Lincourt, Chief Fiscal Officer; Lana Whitmore, Administrative Assistant; Ron Ewing, P.D.; and Jim Myatt, P.D.

Ms. Lincourt gave the Board a report on the computer system upgrade. She said she has been working with Ron Ewing and Lana Whitmore on the conversion. Mr. Lincourt explained that information is being entered into the current system two times and with the new system it will only be entered once and then uploaded into AASIS. She said there are still a lot of tech issues to be worked out and that some interface problems still need to be hammered out. She told the Board that the Board of Pharmacy is the lead group and that it is a real learning experience.

Dr. Campbell talked with Senator Malone regarding the List I Chemical bill and he told them he has a meeting scheduled with Attorney General Mike Beebe and DEA. He said the Board would have to determine if they want to allow technicians to sign pseudo logs, and that there are issues that need to be resolved regarding exempt products. Dr. Dufour said that it should be in a different class than a normal Schedule V. After much discussion, the Board determined they should model the Oklahoma bill.

BOARD ACTION:

Dr. Autry made the motion that the Board of Pharmacy go on record in support of pharmacy technicians being allowed to sign out drugs which obtain pseudophedrine. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Autry said that if the Board staff had to choose between a routine inspection and a List I Chemical case – they should focus on the List I Chemical complaints.

Next Dr. Campbell discussed the PBM bill. He said the Pharmacists Association is backing the bill heavily. He reminded the Board that Senator Malone mentioned having two bills – one specifically for the Board of Pharmacy.

Dr. Campbell and Ms. Lincourt clarified the amendments in the regulations and statutes to comply with the Board's motion at the last Board meeting which would require a pharmacist in charge to work a minimum of fifty percent of the store hours up to 32 hours a week. Statue 17-92-402 (a), (c), and (d)(3) will need to be changed to coincide with the regulation change, and Regulation 04-00-0002 should be changed from 40 hours per week to 32. The Board said Tom Gay should be consulted to see if the regulation can be amended before the statute, and if so, change it and have it ready to be published in October.

Ryan Butler, P.D., #9473 appeared before the Board in answer to an Order and Notice of Hearing. The allegations in this case were that Dr. Butler obtained possession of the drug Ecstasy, which he used and shared with a third party for personal use, and he dispensed refills for a 90-day supply of a prescription, and paid only a 30 day supply co-pay. Dr. McGinnis called the meeting to order and turned the proceedings over to the Hearing

Officer, Teena Watkins. Tom Gay, of the Attorney General's Office, represented the Board staff, and Darren O'Quinn represented the respondent.

Mr. Gay called on Jim Averitt, P.D., to testify. Dr. Averitt told the Board that he is a staff pharmacist for Walgreens Pharmacy and that he works the night shift at the store located on JFK. He said he noticed a prescription written for Hydrocodone because of the refills on it, and he knew that particular doctor did not write refills – sometimes even on maintenance medications. He said he voiced his concerns to the pharmacy manager, Ryan Butler, and told him that he believed pharmacy technician Brooke Hopper may be responsible for the forged prescription, but Dr. Butler told him that Ms. Hopper could be trusted and she would not do something like that.

Mr. Gay then called Brooke Hopper to testify. Ms. Hopper told the Board that she worked as a technician at Walgreens Pharmacy where Ryan Butler was the pharmacist in charge. She admitted to forging prescriptions at the pharmacy and was subsequently fired. She told the Board that Dr. Butler met her in the break room of the pharmacy and told her that there was an on-going investigation at the pharmacy because someone was stealing controlled substances, and that if she had anything to do with it she should stop. Ms. Hopper testified that Dr. Butler had no knowledge that she was forging prescriptions.

Next Mr. Gay called on Tom Brown, Loss Prevention Supervisor with Walgreens, to testify. Mr. Brown explained to the Board that it is the pharmacy manager or store manager's responsibility to notify Walgreens' Loss Prevention department if a theft or loss is suspected. He said that it was Ryan Butler's duty, as pharmacist in charge, to notify Loss Prevention when Dr. Averitt told him that he suspected a technician of forging prescriptions. Mr. Brown said that when pharmacy technician Brooke Hopper, was caught stealing from the pharmacy, she confessed and also alerted him to the fact that Dr. Butler was buying the drug Ecstasy from her for his personal use. Mr. Brown said that Dr. Butler admitted to supplying his fiancé with a three-month supply of birth control pills and only paying Walgreens a one-month co-pay. He said Dr. Butler has since paid restitution to Walgreens.

Mr. Gay then called Charles Campbell, Executive Director of the Board of Pharmacy, to testify. Dr. Campbell testified regarding Dr. Butler's licensing history and also regarding the scheduling of Ecstasy. He also told the Board that he talked to Dr. Butler's fiancé and she said she was using Ecstasy with Butler.

Dr. O'Quinn called Ryan Butler, P.D. Dr. Butler stated that he had been employed by Walgreens since 1995. He then apologized to the Board for changing the prescription for his fiancé's birth control pills. He said the first time it was dispensed as a three-month supply rather than a one-month supply by accident, and after that he purposely continued to dispense it that way. Dr. Butler also admitted to using the drug Ecstasy – he said he only used it on four to six occasions and he knew that he used very poor professional judgment. He told the Board that he voluntarily went to Quapaw House, Inc., for an evaluation for a possible substance abuse problem, and it was their opinion that his drug use was an isolated incident and that he did not have a drug problem. He also said that he had voluntarily entered into an agreement with Test Consultants, Inc., for random drug testing and that each drug screen was negative. Dr. Butler told the Board that he believed he learned his lesson and that his chosen profession of pharmacy is very important to him.

Jim Myatt, P.D., and Kara Smith, P.D., also testified in this hearing.

BOARD ACTION:

Dr. Autry made the motion to amend Allegation A-5 to strike the sentences, “During this time period, Respondent also possessed and used marijuana. Marijuana is a Class VI Controlled substance,” and to amend Charge C-1 to strike “and marijuana.” Ms. Capps seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Bowden made the motion that in the matter of Ryan Butler, P.D., #9473, allegations A-1, A-2, A-3, A-4, amended allegation A-5, and allegation A-6 were found to be true, and amended charge C-1, charges C-2, C-3, C-4, and C-5 were proven. Therefore, Dr. Butler’s Arkansas pharmacist license is suspended for a minimum of 60 days, he must receive advocacy from the Arkansas Pharmacy Support Group and reappear before the Board before the suspension can be lifted. He is ordered to pay a monetary penalty of \$4,000 payable by the end of his suspension, and he must receive ten additional hours of continuing education pertaining to drug addiction. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

John Honeycutt and Dr. Juett appeared before the Board to request an Arkansas Wholesale Distributor of Prescription (Legend) Drugs permit for **Vet Brands International, Inc.** Dr. Campbell explained Arkansas’ compounding laws, particularly compounded vet products, and asked them to explain to the Board the nature of their Hot Springs Village, Arkansas location. Mr. Honeycutt told the Board that Vet Brands International has been in business for 15 years. He said the company only deals with veterinary legend drugs – not human products that can be used for animals. He also said they did not ship compounded products. Mr. Honeycutt explained that the company’s main location was in Florida. He said he did not have any customers located in Arkansas, and that he planned to use the Hot Springs Village location only as a distribution site. Dr. Campbell informed Mr. Honeycutt that the Florida location would need to obtain an Arkansas Wholesale Distributor license as well. He also told him that the Hot Springs Village location would need to be inspected by Board staff before the license would be issued.

BOARD ACTION:

Dr. Autry made the motion to accept the Wholesale Distributor of Prescription (Legend) Drugs application for Vet Brands International, Inc. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Heather Stevens, Pharm.D., appeared before the Board to request her intern hours, which she worked in Florida, be approved so that she can obtain an Arkansas pharmacist license. Dr. Stevens told the Board that she graduated from UAMS – College of Pharmacy in 2002. She explained that she only received 80 hours of the required 500 hours under the Preceptor/Internship program in Arkansas because while she was enrolled in pharmacy school she would go home to Florida to work during the summer. She told the Board she performed her internships at Mallinckrodt, Inc., in Saint Petersburg, Florida, and she also explained her work history since she became a Florida licensed pharmacist in 2002.

BOARD ACTION:

Ms. Capps made the motion to accept 2,000 intern hours on behalf of Heather Stevens, Pharm.D. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Chuck Dillon, with **Valu Merchandisers Company**, appeared before the Board to request an Arkansas List I Chemical permit. Mr. Dillon explained to the Board that he has other grocer distribution warehouses in Oklahoma and Missouri where they may sometimes cross-dock in order to get the orders to his customers in a more timely manner. He said the cross-docking locations are in process of obtaining a DEA permit. Mr. Dillon also told the Board that he is familiar with DEA's requirements and that he knows about the suspicious order requirement.

BOARD ACTION:

Dr. Dufour made the motion to grant an Arkansas List I Chemical permit to Valu Merchandisers Company. Ms. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with an Affidavit of Surrender for **Jerry Ballard, Pharmacy Technician #86952**. Mr. Ballard has admitted to stealing controlled substances from a pharmacy at which he was employed to distribute to a third party without the authorization of a practitioner. Dr. Campbell said that for all intents and purposes, this is a revocation.

BOARD ACTION:

Mr. Holiman made the motion to accept the Affidavit of Surrender for Jerry Ballard, Pharmacy Technician #86952 as presented. Dr. Norris seconded the motion. Dr. Dufour recused himself from this vote. The vote for the motion was unanimous.

Dr. Campbell presented the Board with an Affidavit of Surrender for **Holly Williams, Pharmacy Technician #84352**. Ms. Williams has admitted to stealing controlled substances from a pharmacy at which she was employed for her own personal use. Dr. Campbell said that for all intents and purposes, this is a revocation.

BOARD ACTION:

Dr. Autry made the motion to accept the Affidavit of Surrender for Holly Williams, Pharmacy Technician #84352 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with an Agreed Temporary Order for **Tim Schulte, P.D., #9725**. Dr. Schulte signed the order, and agreed not to practice pharmacy in Arkansas or be physically present in the prescription department of a pharmacy until approved by the Board.

BOARD ACTION:

Dr. Norris made the motion to accept the Agreed Temporary Order for Tim Schulte, P.D., #9725 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with an Affidavit of Surrender for **Kevin Bohannon, Pharmacy Technician #85643**. Mr. Bohannon has admitted to stealing controlled substances from a pharmacy at which he was employed to distribute to a third party without the authorization of a practitioner. Dr. Campbell said that for all intents and purposes, this is a revocation.

BOARD ACTION:

Mr. Holiman made the motion to accept the Affidavit of Surrender for Kevin Bohannon, Pharmacy Technician #85643 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with an Affidavit of Surrender for **Brooke Hopper, Pharmacy Technician #86905**. Ms. Hopper has admitted to stealing controlled substances from a pharmacy at which she was employed. Dr. Campbell said that for all intents and purposes, this is a revocation.

BOARD ACTION:

Dr. Autry made the motion to accept the Affidavit of Surrender for Brooke Hopper, Pharmacy Technician #86905 as presented. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

Dr. Campbell told the Board that Cliff McQuay, from Cliff McQuay Sales, the List I Chemical Wholesaler that was fined \$163,000 at the June 2004 Board meeting had filed an appeal. Dr. Campbell and Tom Gay then explained the appeal process to the Board.

The meeting was adjourned.

Prepared By:

Approved for the Board:

Lana Whitmore

Larry McGinnis, Pharm.D., President